
 <p style="text-align: center;">WEST VIRGINIA DIVISION OF JUVENILE SERVICES</p>		<u>POLICY NUMBER:</u> 	<u>PAGES:</u> <p style="text-align: center;">9</p>
<u>CHAPTER:</u> Institutional Operations	<u>REFERENCE AND RELATED STANDARDS:</u> WV Code Chapter §49-2-903; PbStandard – Order #2; Prison Rape Elimination Act (PREA) of 2012, §115.342, §115.352, §115.368 and §115.378		
<u>SUBJECT:</u> Specialized Housing			
<u>DATE:</u> January 1, 2016			

PURPOSE

It is the policy of the West Virginia Division of Juvenile Services to establish guidelines and procedures concerning the placement and housing of residents in temporary or long-term specialized housing. Residents are given the opportunity to be housed in the least restrictive custody.

CANCELLATION

This policy has been reviewed and supersedes Policy 332.00 dated July 1, 2015.

APPLICABILITY

This Policy applies to all Division of Juvenile Services' residential facilities.

DEFINITIONS

1. **Isolation**: Any instance when a youth is confined alone for cause or punishment for 15 minutes or more in a room other than the room or cell in which he or she usually sleeps, by either order of staff or by a locking mechanism.
2. **Room Confinement**: Confined for cause or punishment for 15 minutes or more in the room or cell in which he or she usually sleeps, by either order of staff or by a locking mechanism.
3. **Specialized Housing**: An alternative housing program that deviates from general population due to a specialized need.

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PROCEDURES

1. Specialized housing is used for residents who are separated from others due to medical necessity, sanctions, behavioral concerns, a court order, or protective custody.
 - a. An Observation Sheet (Attachment #1) will be used for every resident placed in specialized housing.
 - b. All residents will be searched according to Policy #308.00-Control of Contraband and Allowable Items prior to placement in specialized housing.
2. Any resident placed in any type of specialized housing is to be checked visually by staff randomly, but with no more than 15 minutes between each check. All checks are to be documented on the Observation Sheet.
3. Specialized Housing
 - a. Court Ordered Segregation
 - i. If a facility receives a court order on a resident requiring segregation of any type, the Facility Superintendent/Director will be notified immediately and the information will be entered into OIS.
 - ii. The resident will be housed appropriately based on the reason for the segregation.
 - iii. Residents will be afforded the same privileges as the general population.
 - b. Medical Isolation
 - i. If a medical or mental health professional determines that a resident needs to be segregated for medical or mental health reasons, the Facility Superintendent/Director will be notified immediately and the reason entered into OIS.
 - ii. Residents can only be medically segregated for the following reasons:
 - 1) Suicide
 - 2) Mental health concerns
 - 3) Medically necessary
 - 4) Refusal of medical intake screening (until compliant)

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- iii. The resident will be housed appropriately based on the reason for the segregation.
- iv. Residents will be afforded the same privileges as the general population when appropriate.

c. Protective Custody

- i. A resident can request specialized housing for protective custody if they feel unsafe being around the other residents.
- ii. An incident report will be generated by the staff member receiving the protective custody request.
- iii. If approved, the resident will be placed in protective custody.
- iv. If denied, the reason for the denial will be documented.
- v. A resident can be recommended for protective custody if facility staff determines such need is necessary.
 - 1) Each facility's director of security or designee will compile and present an initial report with documentation to the Facility Superintendent/Director for specialized housing.
 - 2) The Facility Superintendent/Director will meet with the resident to discuss the reasons for the recommended protective custody.
 - 3) If the Facility Superintendent/Director determines the necessity of protective custody, he/she will forward their recommendation within two (2) calendar days to the Division Director or designee for final approval.
 - 4) The Division Director will give their final approval within two (2) calendar days of receipt from the Facility Superintendent/Director.
 - 5) The basis for and the decision of the Division Director is forwarded to the resident.

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- vi. A resident can be placed in protective custody immediately if imminent danger warrants such action or an emergency PREA grievance is filed. The above-listed process will then be started immediately after separation from the threat.
- vii. Any resident placed in protective custody either by choice or by staff may only be placed in isolation as a last resort if less restrictive measures are not adequate to keep the resident safe and only until an alternative means of keeping him/her safe can be arranged.
- viii. Continuation of Specialized Housing for each resident will be based on a seven (7) day perpetual review by the Facility Superintendent/Director and his or her recommendation to the Division Director for as long as the resident remains in Specialized Housing due to safety concerns of the resident.
- ix. Once the reason for protective custody has been removed or diminished, the Facility Superintendent/Director can remove a resident from Protective Custody.

d. Segregation prior to hearing

- i. Residents may be segregated prior to hearing if they are being physically aggressive with staff and/or residents and are not amenable to reasonable direction and control.
- ii. The shift supervisor must contact the Facility Superintendent/Director immediately following the resident being segregated and will document all information in OIS.
- iii. The Facility Superintendent/Director may approve the placement of residents in segregation for a 24 hour period prior to the hearing. (Attachment #2) The Facility Superintendent/Director or Designee must notify the Division Director and Deputy Director by email immediately when segregation prior to hearing is used.
- iv. A resident placed in segregation prior to a hearing must have his/her hearing within twenty-four (24) hours and credit must be given for time served, if found guilty of the charge.

e. Hearing sanctions

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- i. Specialized housing can result from a guilty finding of a Category I rule violation by the hearing officer.
- ii. Specialized housing for each sanction will be no more than three (3) days for non-violent Category I offenses or no more than ten (10) days for violent Category I offenses.
- iii. The hearing officer must notify the Division Director and Deputy Director via email of any sanctions resulting in more than three days of confinement.
- iv. Residents placed on specialized housing due to hearing sanctions of more than three (3) days will be placed on a Behavioral Management Plan which will be developed by the treatment team within two (2) calendar days.
 - 1) The behavioral management plan will remain in effect until the targeted goals have been completed by the resident.
 - 2) A copy will be given to the resident.
 - 3) The behavioral management plan will include, at a minimum:
 - a) Expectations
 - b) Goals and Objectives
 - c) Incentives
 - d) Consequences
- v. The treatment team can petition the Facility Superintendent/Director to have a resident removed from specialized housing when they feel the resident has completed the plan and is amenable to reasonable direction and control.
- f. Administrative Segregation – Treatment tool used for those residents demonstrating consistent negative behaviors who require segregation to maintain safety and security of the facility, staff and other residents while working on a specific behavior modification plan. This can also include residents who have served as a Category sanction and are still demonstrating violent and active aggression towards staff or other residents.
 - i. Process
 - 1) Only the following staff can make a recommendation to the Facility Superintendent/Director for requesting a resident be placed on administrative segregation.

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- a) Director of Security or designee
- b) Hearing Officer
- c) Director of Treatment of designee

- 2) The facility staff making the recommendation will compile and present an initial report with documentation to the Facility Superintendent/Director who shall make a determination if a resident is to be recommended for segregated housing.
- 3) The resident will be informed in writing of pending consideration for placement on administrative segregated housing. (Attachment #3)
- 4) The resident shall be permitted to receive assistance from a staff representative, if requested.
- 5) The Facility Superintendent/Director or designee will meet with the resident to discuss the reasons for the recommended segregation.
- 6) If the Facility Superintendent/Director or designee recommends the necessity of segregated housing, he/she will forward their recommendation to the Division Director and Deputy Director for final approval.
- 7) The evidence and decision of the Division Director or designee is forwarded to the resident.
- 8) Continuation of Segregated Housing for each resident will be based on a seven (7) day perpetual review by the Facility Superintendent/Director and his or her recommendation to the Division Director for as long as the resident remains in Segregated Housing due to administrative segregation.

ii. Residents placed on specialized housing due to administrative segregation will be placed on a Behavioral Modification Plan which will be developed by the treatment team within two (2) calendar days.

- 1) The behavioral modification plan will remain in effect until the targeted goals have been completed by the resident.
- 2) A copy will be given to the resident.

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- 3) This plan will be updated whenever the Division Director gives approval for continuation of segregated housing.
 - 4) The behavioral modification plan will include, at a minimum:
 - a) Expectations
 - b) Goals and Objectives
 - c) Time frames
 - d) Incentives
 - e) Consequences
 - 5) The treatment team can petition the Facility Superintendent/Director to have a resident removed from specialized housing when they feel the resident has completed the plan and is amenable to reasonable direction and control.
- iii. If a facility does not have the means to house a resident in Specialized Housing, the Facility Superintendent/Director can request to transfer a resident to a more secure facility through the Division's movement coordinator.
4. In addition to the above mentioned specialized housing, residents may only be placed on room confinement/isolation:
- a. During sleeping hours
 - b. Timeout Periods – When a resident is demonstrating verbal and/or physical out of control behaviors or when a resident threatens to physically harm staff and is escalating towards out of control behavior.
 - i. Verbal approval must be given by the shift supervisor.
 - ii. The shift supervisor will document all approved timeout periods into the Offender Information System (OIS).
 - iii. As soon as a resident is amenable to reasonable direction and control, the resident will be released from the timeout period with notification to the shift supervisor.
 - iv. Timeouts are to be first tried on the unit. If behavior disrupts the entire unit, then with the Shift Supervisor's help, the resident can be transported to a different location to finish the Timeout.

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- v. Resident's behavior is evaluated and documented by staff. These checks are to be at random intervals, but with no more than 15 minutes between each check.
 - vi. Timeout cannot exceed four (4) hours without approval from Facility Superintendent/Director.
- c. Upon request of the resident who may request that their door be locked. This is to be documented and signed by the resident.
- d. When there is credible evidence to suggest imminent danger to staff, residents or the facility.
 - i. Includes residents actively and continually talking about and/or planning a riot or other serious disturbance.
 - ii. When a resident is released from time out and immediately demonstrates out of control behavior and/or presents as a threat to staff or other residents.
 - 1) The shift supervisor has the authority to place a resident in room confinement/isolation immediately in these types of situations. He/she is to then notify the Facility Superintendent/Director for final approval.
 - 2) The confined time frame will be determined by the Facility Superintendent/Director, but will not exceed beyond the following morning.
 - 3) Emails are to be sent to the Division Director and Deputy Director alerting them to the situation, date/time placed in confinement and date/time released.
- 5. Any resident held in any type of specialized housing shall:
 - a. Have daily access to a shower, if held twenty-four (24) hours or more,
 - b. Have daily access to large muscle activity/recreation, if held twenty-four (24) hours or more,
 - c. Have a healthy diet similar to that being served to all facility residents,
 - d. Have a full educational program,

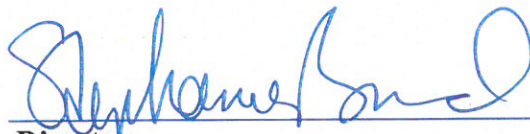
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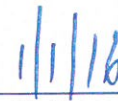
- e. Be seen and talked with by a nurse and/or mental health clinician at least once daily for a health and mental health evaluation. Such conversations/reviews shall be conducted face-to-face, not through the opening of a cell door. If a resident is exhibiting threatening or assaultive behavior, a review may be conducted through the cell door, however a face-to-face follow-up conversation/review by a nurse or mental health professional must be conducted as soon as possible and within twenty-four hours,
 - f. Be seen and talked with by a treatment staff person at least once daily.
6. All documents are to be uploaded to OIS.
 7. For standardization purposes, the altering of any format to any Division policy attachment is prohibited, other than to complete the information required on the form itself.
 8. Each facility will develop an operational procedure for this policy.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:


Director


Date

OBSERVATION SHEET

BEHAVIORAL WATCH

SUICIDE WATCH

SPECIALIZED HOUSING

RESIDENT'S NAME: _____
XXXXXXXXXX (Last) (First) (MI) XXXX

I.D. NUMBER: _____ UNIT: _____

Start Date: _____ Start Time: _____ Room Location: _____

_____ Level I (Constant Visual Contact – Record every 5 minutes)

_____ Level II (Physical checks every 5 minutes)

_____ Level III (Random Physical checks with no more than 15 minute interval)

_____ Intake/Behavioral Watch (Random Physical checks with no more than 15 minute interval)

_____ Segregation Daily Activity

Mechanical Restraints: ☐ Yes ☐ No

Paper Gown/Suicide Smock: ☐ Yes ☐ No

CODE FOR RESIDENT BEHAVIOR AND STAFF INTERVENTIONS

A. Self-Injurious Behavior	I. Self-Contained/Activity	Q. With Mental Health	V. Yelling/Screaming
B. Assaultive Behavior	J. Social Activity/Program	Rb. Eating-Breakfast	W. Telephone Call
C. Destructive Behavior	K. Medication	RL. Eating Lunch	Xa. Visit- Attorney
D. Making Suicidal Statements	L. Toilet/Shower	Rd. Eating Dinner	Xo. Visit- Other
E. Hyperactive	M. Crying	Rs. Eating Snack	Y. Incoherent
F. Agitated	N. Hall Time	S. Oppositional/Defiant	Z. Recreation
G. School	O. Sleeping	T. Cooperative/Compliant	aa. Mail/letter writing
H. Quiet/Reclusive	P. With Medical	U. With Tx Staff	

****Any staff initialing here must sign at bottom**

[illegible]

Staff Signature(s)/Date: _____

*Any signs of suspected injury or physical distress must be reported to the medical staff immediately.

Policy 332.00 Specialized Housing Attachment # 1 &
Policy 414.00 Suicide/Self Harm Prevention and Intervention Attachment #3
January 1, 2016



**DIVISION OF
JUVENILE SERVICES**

Segregation Prior to Hearing

Due to being physically aggressive with other staff and/or residents and not being amenable to reasonable direction and control, Resident _____,

Offender # _____, is placed in Specialized Housing for a period of no more than 24 hours, beginning on _____ at _____.
(date) (time)

Reason for Specialized Housing is (check all that apply):

☐ Physically aggressive with other resident(s)

☐ Physically aggressive with staff

Explanation of circumstances leading to reason for specialized housing:

Signature of Shift Supervisor _____

Signature of Facility Superintendent/Director (or designee) _____

Date of Signature _____ Time _____



**DIVISION OF
JUVENILE SERVICES**

Notice to Resident of Consideration for Placement on Segregated Housing

(To be completed by the Director of Security, Hearing Officer, or Director of Treatment)

Facility: _____

Date: _____

Resident's Name: _____

Offender # _____

You have been determined to not be compliant to reasonable direction and control. Therefore, segregation is being considered in order to (check all that apply):

☐ Ensure the safety of the resident

☐ Ensure the safety of others

You have a right to have a staff representative to assist you in this matter.

_____ Yes, I do wish to have a Staff Representative to assist me in this matter.

_____ No, I do NOT wish to have a Staff Representative to assist me in this matter.

Signature of Resident: _____

Signature of Employee Serving Notice: _____